

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT
OF TENNESSEE AT COLUMBIA

| | | |
|--------------------------------|---|------------------|
| BRANDON FRAZIER, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | No. 1:12-cv-0128 |
| |) | |
| ENOCH GEORGE, Sheriff of Maury |) | JUDGE HAYNES |
| County, LT. DEBRA WAGONSHUTZ, |) | JURY DEMAND |
| FLOYD SEALEY, MAURY REGIONAL |) | |
| MEDICAL CENTER, ABL |) | |
| MANAGEMENT, INC., and |) | |
| GENELLA POTTER, |) | |
| |) | |
| Defendants. |) | |

ORDER FOR RELEASE AND PROTECTION OF
PLAINTIFF'S MEDICAL RECORDS

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and 45 C.F.R. §§ 160 and 164 of the Health Insurance Portability and Accountability Act ("HIPPA"), which specifically states that, "A covered entity may disclose protected health information in the course of any judicial or administrative proceeding: (I) in response to an order of a court or administrative tribunal, provided that the covered entity discloses only the protected health information expressly authorized under such order"; and 38 U.S.C. § 7332(b)(2)(D), and for good cause shown, it is hereby ORDERED that the law firm of Leitner, Williams, Dooley & Napolitan, PLLC, shall be allowed by written request to inspect and/or obtain certified copies of all medical records, medical reports, medical charts, x-ray films, tissue slides or other laboratory specimens, diagnostic studies, pharmacy/prescription records, mental health records (including any and all psychiatric, psychologists, social workers and any other mental health professional of any kind or nature), other

EXHIBIT

documents or writings, including but not limited to, protected health information, as that term is defined in 45 C.F.R. Part 160 and Part 164 (HIPAA Privacy Rule) (collectively, the "Medical Information"), related to the care and treatment of Plaintiff Brandon Frazier. This includes medical records as they pertain to drug and alcohol treatment.

Leitner, Williams, Dooley & Napolitan, PLLC, shall pay all costs of obtaining copies of these documents, and provide copies of Medical Information obtained pursuant to this Order to Plaintiff's attorneys, Eugene Raymond Hallworth, at no charge and within ten (10) days of receipt of any information obtained.

The information obtained through use of this Order may only be used or disclosed for the purposes of this litigation. Except with the prior written consent of the Plaintiff, the information produced pursuant to this Order shall not be disclosed to any person other than (a) the parties, (b) counsel for the parties, (c) employees or agents of counsel for the parties, (d) any claims representative of Defendants, (e) experts and consultants retained for the prosecution or defense of this litigation, (f) any authors or recipients (in the ordinary course of the health care provider's business) of the Medical Information, or (g) the Court, court personnel, court reporters, and witnesses at trial.

The portion of this Order permitting release of records shall expire upon final disposition of this case. All information obtained pursuant to this order and all copies will be destroyed or safely archived within a reasonable time period after the conclusion of this litigation or proceeding, whether by trial, appeal, settlement, or other final conclusion.

This Order shall be binding on the parties to this litigation, their attorneys, and the employees, consultants and other persons employed or retained by the parties or their attorneys.

ENTERED this day 20th of February, 2014.



Chief Judge William J. Haynes, Jr.

APPROVED FOR ENTRY:

LEITNER, WILLIAMS, DOOLEY
& NAPOLITAN, PLLC

BY: /s/ J. Paul Brewer
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